

REMARKS

Entry of this Amendment, filed concurrently with the Request for Continued Examination, is respectfully requested. By this amendment, claims 24, 28 and 31 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 30 and 40 have been canceled. Claims 41-44 have been added. In the Specification, paragraph [0009] has been deleted, as it is duplicative of paragraph [0008]. Reconsideration of the application as amended is requested.

In the Office Action dated October 13, 2006, claims 2, 8, 24-29, 31-32 and 34-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bashark, U.S. Patent No. 3,888, 269 in combination with Smith et al, U.S. Patent No. 5,586,567. The Examiner asserts that it would have been obvious to one skilled in the art at the time the invention was made to determine the degree of soiling of the rinse liquid by determining the turbidity values corresponding to the recirculation of the liquid in the lower and upper spray plane as disclosed in Smith in the measurement of turbidity disclosed in Bashark. It is submitted that the references, taken singly or in combination, fail to disclose the invention as recited in claims 2, 8, 24-29, 31-32 and 34-39. Claim 24, from which claims 2, 8, 25-29, 31, 32, and 34-39 depend, recites a method of cleaning dishes in a dishwasher having an upper and lower spray plane. The method includes determining a degree of soiling of the rinsing liquid by determining the turbidity values corresponding to the recirculation of the rinsing liquid in the lower spray plane and the upper spray plane where the lower and upper spray planes alternately recirculate the washing liquid and the determined turbidity values are associated with the respective spray plane in operation. At least one operating parameter of at least one of the rinse step and the cleaning step is set based on the determined degree of soiling.

The Bashark reference discloses a dishwasher having an automatic control with the capability of determining optimum treatment of dishes based on the condition of the dishes. *See Abstract*. The dishwasher includes a turbidity sensor for sensing the turbidity of the water charge or fill in the dishwashing chamber. *Col. 1, ll. 64-66 and col. 2, ll. 52-62*. "To sense turbidity, flow of the dishwashing liquid is terminated for a preselected period [of time], such as 15 seconds, whereupon the turbidity sensor senses the turbidity of the liquid collected above the sensor." *Col. 3, ll. 7-11*. As shown in Fig. 7, during the washing cycle the chamber 12 is filled with wash liquid, which is then pumped against the dishes by the spray arm 22. The spray arm stops spraying for a predetermined period of time during which

the turbidity sensor 26 determines the turbidity of the liquid in the water fill. Col. 9, ll. 9-14. The turbidity sensor 26 disclosed in Bashark senses when the spray arms are not in operation and the water fill is collected in the chamber above the sensor. Col. 3, ll. 4-11 and col. 5, ll.44-49. Bashark does not disclose determining a degree of soiling of the rinsing liquid by determining the turbidity values corresponding to the recirculation of the rinsing liquid in the lower spray plane and the upper spray plane where the lower and upper spray planes alternately recirculate the washing liquid and the determined turbidity values are associated with the respective spray plane in operation as recited in claim 24.

The Smith reference is relevant only for its disclosure of a turbidity sensing mechanism used in a dishwasher. As recited in Smith, a turbidity measurement is taken during a pause after the fill step of the washing phase and during a pause following any circulation step. Col. 5, ll. 19-27. Like Bashark, Applicants can find no teaching or suggestion in Smith of determining a degree of soiling of the rinsing liquid by determining the turbidity values corresponding to the recirculation of the rinsing liquid in the lower spray plane and the upper spray plane where the lower and upper spray planes alternately recirculate the washing liquid and the determined turbidity values are associated with the respective spray plane in operation as recited in claim 24. Therefore, the references cited, taken singly or in combination, fail to disclose all of the features recited in claim 24, from which claims 2, 8, 25-29, 31, 32, and 34-39 depend. Reconsideration of this rejection is respectfully requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application and places the application in suitable condition for allowance; notice of which is respectfully requested. Reconsideration

of the application as amended is requested.

Respectfully submitted,

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WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive – Ste. 102 MD750
St. Joseph, Michigan 49085

/ Tara M. Hartman /

Tara M. Hartman, Registration No. 58,805
Telephone: (269) 923-8081

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